

**MINUTES OF THE VIDEO CONFERENCE
OF THE
BOARD OF CHIROPRACTIC**

October 26, 2005

CALL TO ORDER

Chairperson Lance Earhart called the videoconference of the Board of Chiropractic to order on Wednesday, October 26, 2005, 1:14 p.m. The Video Conference was held at the following sites: Lincoln Executive Building, Suite 103, 521 South 14th Street, Lincoln, Nebraska, College Park, Conference Room C, 3180 West HWY 34, Grand Island, NE, Northeast Community College, McClay Building, Room 122, 801 East Benjamin Avenue, Norfolk, NE, and UN-Kearney, Communications Center Bldg., Room 250, 1918 University Drive, Kearney, NE. This Video Conference was duly publicized by distribution of the Notice of Meeting and Agenda ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Regulation and Licensure at least twenty-four (24) hours prior to the meeting. The videoconference was held for the purpose discussing the Uniform Licensing Law rewrite, and the Chiropractic Practice Act.

Roll Call

The following Board Members and HHSS Staff participated in the Videoconference:

Lance Earhart, DC, Chair
Kevin Davis, DC, Vice-Chair
Gaylord Hanssen, DC, Secretary
Laura Scholl, Public Member

Diane Hansmeyer, Section Administrator
Delores James, Credentialing Coordinator
Barb Remmers, Investigator
Brad Shaff, Assistant Attorney General

Approval of Agenda

Hanssen moved, seconded by Davis, to adopt the agenda as presented. Voting aye: Earhart, Hanssen, Davis and Scholl. Voting nay: None. Not voting: None. Motion carried.

INVESTIGATIONAL INFORMATION (Closed Session)

Davis moved, seconded by Hanssen, to move into closed session at 1:20 p.m., for the purpose of discussing investigational information and to protect the reputation of individuals. Voting aye: Hanssen, Davis, Scholl and Earhart. Voting nay: None. Not voting: None. Motion carried.

Out of Closed Session

Davis moved, seconded by Scholl, to come out of closed session at 1:35 p.m. Voting aye: Davis, Scholl, Earhart and Hanssen. Voting nay: None. Not voting: None. Motion carried.

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UNIFORM LICENSING LAW

ULL Rewrite (Attachment A)

Hansmeyer discussed the proposed changes to the Uniform Licensing Law rewrite, (Referred to as REQ 0138) and the summary of changes. She stated that the summary information does not contain all of the changes to the proposed bill. The summary is designed to give the Board major changes to review and to give feedback before REQ 0138 is finalized.

The following changes will take place in the Uniform Licensing Law rewrite;

The name of this document will be changed to the Uniform Credentialing Act because certification and registration are covered as well. The definitions for these three forms of credentials are found on pages 7, 9 and 10 of REQ 0138.

Page 3 lists all of the practice acts that are covered in the REQ 0138. What that means is that these are the acts within this act.

Hansmeyer reviewed the following changes, which are found on the summary sheets that provide information of why the changes are necessary and where they can be found in the REQ 0138 document:

Initial License - Gives the boards more authority, it changes the current wording: "Board approves or the board adopts the regulations." The board will approve requirements for licensure such as; the education the person has to have, what examination they have to pass, if they have to have experience and if so what type of experience, the passing score they have to meet in order to pass the examination, and approval of schools/training. The current language states that the Department with the approval or the recommendation of the board. What is meant by current language is that the Department and the board would have to agree and if they did not the change would not take place.

Section 55 page 61 gives a definition of the purpose of each board.

Section 68, page 77 gives information on the Department's role of being responsible for the general administration of the activities of each of the boards.

Section 45, page 46 identifies that the cost of operation of the board should be paid from the Professional and Occupational Credentialing Cash Fund and General Fund. The statement on General Fund is for Emergency Medical Services because they do not pay fees because they are volunteers.

Section 45 page 46 - The reinstatement language is crosshatched. It was changed, but the boards like the current language. Therefore, the original language will remain in this section.

Renewal: Biennial renewal is not a change and it appears on the summary because all of the practice acts have been added to the UCA for consistency purpose.

The 2nd part is that licenses will no longer be revoked for non-payment of fees, they will just expire. Licensees did not like the term revocation because it will be on their record permanently and appears that the license was revoked for disciplinary reasons. Hansmeyer stated that research was done to find out what other states are doing and they found out that other states were not revoking licenses for this reason.

The 30-day grace period will be eliminated because it confuses licensees. It makes them think that they can continue to practice until the grace period is over. When the truth is that the only thing that the grace period allowed is for licensees to pay the licensure fees. Reinstatement does the same thing.

Eliminated the inactive fee, but not inactive status. Individuals can choose inactive status at the time of renewal and not have to pay a fee. The reason for this change is that the fee wasn't necessary because there is no extra work involved in this process and it is the belief that fees should be paid to support cost and if there is no cost, then there should not be a fee charged.

Reinstatement will not change, except for people who were disciplined. If their license was revoked for disciplinary reasons they could reapply for reinstatement after two years.

Endorsement and Reciprocity: Reciprocity in Nebraska does not mean true reciprocity. The word reciprocity means that if a person has a license in one state they can get a license in another state based upon that license. The term, which will appear in REQ is endorsement. It also eliminated the requirement to have practiced at least one year out of the last three.

Hansmeyer gave the Board new language to review for possible addition to the Chiropractic Practice Act. She stated that this language would eliminate a loophole, which she feels is currently in the chiropractic statutes (Attachment B). C (1) is when a person gets their initial license and number 2, is when they are licensed in another state.

She gave an example of a person who passed the examination and finished their educational requirements. This person would meet the requirements for licensure, but they haven't practice in Nebraska for some reason and now they want to get a license. As the language is written now the State of Nebraska would have to give them a license.

The new language would give the Board the right to consider competency and if the Board feels that someone who hasn't practice for five years isn't competent, then this will allow the Board to write regulations, which would include competency requirements.

Number 2 is written for a person coming from another state/jurisdiction and also requires that continuing competency be met after a 3 years period of licensure inactivity.

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Hansmeyer reviewed information on the Board's Role, which gives the board the authority to adopt regulations without the Department's approval for initial licensure standards, renewal standards, passing score, course of study, defining unprofessional conduct and sending applications for reinstatement

Number 2 under Board Role can be found in Section 31 on page 23 and this is where the board recommends to the Department on licensure and other administrative areas, the security of the examination, issuance and denial of licensure, and administration of the examination.

Board Expenses: the new requirements will provide a per diem to board members for up to \$50.00 per day and the Board can also give a per diem to people who serve on advisory committees.

Board Composition: The ULL rewrite requires an additional public member for boards with less than eleven members.

Hansmeyer explained the changes to the Chiropractic Practice Act, which are found on the summary.

Hansmeyer stated that the Department wants to ask each board how they feel about the changes and if they could support the proposed changes in ULL as well as in the practice act. If not, the Department would like to address concerns before this bill is taken to the legislature.

Davis and Scholl said that the changes were positive.

Earhart discussed changes he would like to see in Section 71-180 (2) of the Practice Act. He proposed changing the language from "at least 2 years, to 90 semester hours or 135-quarter hours, which equals 3 years of education. Davis said that the 90 semester hours would be a good change, but did not think a Bachelor's Degree should be required at this time. Hanssen agreed that it was time to update this section of the Practice Act.

Earhart read information from Palmer Chiropractic College regarding requirements for entering chiropractic college and wanted the Board to adopt similar language. After a discussion, the Board and staff did not feel it prudent to add language to the practice act, which would require a statutory change whenever, the CCE accreditation standards changed.

Motion

Davis moved, seconded by Hanssen, to make changes to the Chiropractic Statutes, Section 71-180 by keeping the first line and deleting from 2 on. This section will read: "An accredited college of chiropractic within the meaning of the Uniform Credentialing Act shall be one which is recognized by the department upon the recommendation of the Board of Chiropractic." Voting aye: Scholl, Earhart, Hanssen and Davis. Voting nay: None. Not voting: None. Motion carried.

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Section 71-178

Hansmeyer asked if the Board wanted to add other exemptions to Section 71-178. The Board decided not to add to this section.

LETTER REGARDING PALMER COLLEGE (Mary Pitcher)

Hansmeyer referenced a letter (Attachment B) from Mary Pitcher from Palmer Chiropractic College in which Ms. Pitcher expressed concern about statements attributed to her in the March 17, 2005 minutes. She was quoted as saying “that most students take the examination before they complete all of their educational requirements and are issued a license right after graduation, therefore, not many students would need a temporary license.” Hansmeyer said that she must have misunderstood this issue in her conversation with Ms. Pitcher.

In her letter Ms. Pitcher sought to clarify her position on post preceptorship and also sent information to justify the necessity of having a temporary license.

There is already an exemption clause in the statutes for students and if the Board wanted to add to this language to allow for exemption of students completing a post preceptorship this may be possible. Hansmeyer talked to the Director about this issue and she said that if the Board felt that an extension is needed then they might want to add it as an exemption.

Hanssen stated that at this time an extension of the preceptorship is not needed because Nebraska statutes and regulations have filters in place to make sure that people are competent and the preceptorship program gives the students more than enough time to get everything done. She said that it is the responsibility of the student to take the appropriate examination in a timely fashion and if they are unable to do this, the Board can not give them a license.

Motion

Davis moved, seconded by Scholl, to table the discussion on post preceptorship and revisit this subject when/if it is necessary. Voting aye: Earhart, Hanssen, Davis and Scholl. Voting nay: None. Not voting none. Motion carried.

Hansmeyer will write a letter, for the Board, informing Ms. Pitcher that the Board does not feel that temporary licensure is needed at this time and if something changes in the future they would be willing to reconsider this matter.

SCOPE OF PRACTICE QUESTION

Can Chiropractors Utilize Intense Pulse Light (IPL)?

Davis moved, seconded by Hanssen, to table the subject on “Utilization of Pulse Light by Chiropractors,” until the next board meeting. Voting aye: Hanssen, Davis, Scholl and Earhart. Voting nay: None. Not voting: None. Motion carried.

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ADJOURNMENT

There being no further business, the videoconference was adjourned at 3:15 p.m.

Respectfully Submitted,

Gaylord Hanssen, Secretary